



Speech By  
**Hon. Mark Bailey**


**MEMBER FOR MILLER**

---

Record of Proceedings, 19 September 2019

## **HEAVY VEHICLE NATIONAL LAW AMENDMENT BILL**

### **Second Reading**

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (3.18 pm): I move—

That the bill be now read a second time.

I am pleased to continue the work of this government in delivering results for the heavy vehicle industry. The Palaszczuk government's record of supporting the heavy vehicle industry and truckies is strong. Under this government's record of achievement, I am pleased to say that the Cape River Bridge is done, the Vines Creek Bridge is done, the Robert Road to Foster Road upgrade on the Bruce Highway is done, the Gateway Upgrade North is done, Toowoomba Second Range Crossing is done and the Logan Motorway extension is done. Now we are delivering two M1 upgrades at the Gateway merge and between Mudgeeraba and Varsity Lakes, with two other upgrades ready to roll straight after—Eight Mile Plains to Daisy Hill and the billion dollar Varsity Lakes to Tugun project.

The \$400 million Ipswich Motorway upgrade is well and truly underway. The Smithfield bypass in Cairns is underway. The Bruce Highway upgrade from Kate Street to Aumuller Street, which I was on the other day, will get the southern access into Cairns right. We are building the Mackay Ring Road stage 1. It is more than half done. Over 1,200 workers have been inducted onsite, with 80 per cent of them being local to the Mackay region. We have committed to stage 2 of the Mackay Ring Road. We are funding the Rockhampton Ring Road. We are funding the Gympie bypass on the Bruce Highway from Cooroy to Curra. We committed to the Tinana interchange upgrade that the member for Maryborough would be very familiar with—done and dusted.

All of these projects and more will deliver significant benefits to the heavy vehicle industry and to truckies. I am proud of the support our government is providing. This support is not just delivering infrastructure but supporting jobs right across Queensland. Already over 216,000 jobs have been created since our government came into office in 2015. This bill represents the latest efforts by our government to improve freight efficiency and heavy vehicle road safety outcomes while working collaboratively with our industry partners such as the Queensland Trucking Association.

This bill adds to the work of this House when we sat in Townsville just two weeks ago and passed the Transport Legislation (Road Safety and Other Matters) Amendment Act 2019 which contained important road safety reforms, including changes to drink-driving laws. That act introduced tough new drink-driving reforms because drink-driving continues to be a significant road safety hazard for Queensland drivers. In 2017, 63 people were killed due to drink-drivers or riders—that is more than 25 per cent of total fatalities on Queensland's roads. Our changes will decrease the amount of drink-driving in Queensland and will facilitate offenders learning to separate their drinking from driving. While this bill primarily deals with amendments to the Heavy Vehicle National Law Act 2012, I note for the benefit of the House that I intend to move amendments during consideration in detail.

I would like to thank the Transport and Public Works Committee, including the chair, the member for Kurwongbah, for their consideration of the bill. The committee has delivered its report and recommended that the bill be passed. I acknowledge the committee secretariat for its continued support of the important work of the committee. I would also like to thank the National Transport Commission and the National Heavy Vehicle Regulator for managing the national law maintenance process, and community and industry members for providing their valuable input during development of the bill.

This bill contains amendments that will address inefficiencies and complexities within the national law to increase productivity while considering the safety of all road users. The bill also includes amendments to aid interpretation of the national law and reduce the administrative and regulatory burden on industry and the National Heavy Vehicle Regulator. Industry stakeholders were consulted extensively throughout the development of the bill and have been positive in their support.

It is important that we continue the work to improve safety outcomes in the heavy vehicle industry. I released Queensland's Heavy Vehicle Safety Action Plan 2019-21 at the Brisbane Truck Show on Thursday, 16 May this year. The Palaszczuk Labor government is delivering road safety upgrades across Queensland, including at Riverway Drive, and our action plan focuses on improving infrastructure; encouraging innovation and safe speeds; modifying driver behaviour; and creating heavy vehicle awareness for all road users. Developed in consultation with the Queensland Trucking Association, the National Heavy Vehicle Regulator and the Queensland Police Service, the action plan builds on the priorities and initiatives of its predecessor, the Heavy Vehicle Safety Action Plan 2016-18, and will implement further initiatives to reduce heavy vehicle road trauma.

With 36 road safety interventions across the key action areas of safer roads, safer vehicles, safer speeds and safer people, the action plan complements the state's broader road safety strategy, strengthening our commitment to reducing heavy vehicle road fatalities on Queensland roads. Based on national figures, heavy vehicle related fatalities across the country have dropped, I am pleased to say, by approximately 27 per cent over the past 10 years. However, heavy vehicle fatalities increased in Queensland last year compared to the previous five years. Fatalities involving heavy vehicles within Queensland were down by 33.3 per cent as at 1 September 2019 compared to the same time last year.

The Palaszczuk Labor government is committed to continued improvements in road safety. Three interventions of the action plan have already been completed including developing a descent video for users of the new Toowoomba bypass, undertaking research into seatbelt use via industry survey and focus groups, and developing an online driver learning and assessment program incorporating heavy vehicle awareness content.

Significant achievements accomplished under the previous Heavy Vehicle Safety Action Plan include over 1,000 kilometres of wide centre-line treatment—that is effectively from here to Mackay; the mandatory monitoring of special purpose vehicles; collaboration with the National Heavy Vehicle Regulator in developing a compliance and information system; collaboration with the Police Service and other agencies to conduct regular and statewide Truckie Toolbox Talks; and an audit of rest areas across Queensland was used in the development of a rest area app for public use to better manage rest areas for heavy and other non-heavy vehicles. As the minister with responsibility for the safety of all road users, I will continue to bring forward reforms and continue this government's focus on making sure all Queenslanders get home safely.

The Palaszczuk Labor government has released its 10-year vision for the state's burgeoning freight industry through the Queensland Freight Strategy. The Queensland Freight Strategy is the starting point for government, industry and the entire state to make sure we continue to have an integrated and resilient freight system that benefits all Queenslanders. Over the next 10 years, the volume of freight moving across Queensland will grow by more than 20 per cent. The freight sector is a major employer and jobs are the No. 1 priority of this government, and obviously this industry is absolutely critical to job creation.

Following commencement of new primary duties provisions—otherwise known as chain-of-responsibility provisions—in the national law in October last year, parties in the heavy vehicle transport supply chain have a duty to ensure the safety of their transport related activities. For the national regulator to best support industry, it must have the ability to provide operators with advice on how to best meet their duties under the law.

The bill will amend the regulator's functions to expressly provide that the regulator and its authorised officers can give advice, information and education to a person about complying with their duty or an obligation under the national law. Clarifying the advice function in the national law will meet industry expectations and confirm the regulator's authority in providing advice to duty holders about compliance with their duty obligations.

This approach to education and the giving of advice is already a common element in workplace health and safety laws and will align the national law more closely with that legislation and help drive improved heavy vehicle road safety outcomes. The regulator will develop guidelines for authorised officers on how the new function should be exercised and how information, advice and education may be used in the compliance and enforcement process.

Another amendment to the national law in 2018 allowed greater access to the road network for category 1 performance based standards—or PBS—vehicles operating at general mass limits. Larger, but not heavier, trucks that met higher PBS safety standards were given the same access to the roads as standard heavy vehicles. However, an adverse unintended consequence of how the initial amendments were drafted has excluded certain offence provisions from applying to the specified PBS vehicles.

Mass related offences do not apply, penalties are reduced and enforcement officers' powers to deal with overloaded vehicles, including offloading and grounding, have been restricted. To improve public safety and better manage potential risks to infrastructure, amendments in this bill will harmonise penalty provisions between PBS and overmass or overdimension vehicles. This means that, if a PBS vehicle is found to be travelling on a road without authorisation under the national law—that is, it is 'off route'—they will be treated the same for enforcement purposes as other overdimension or overmass vehicles.

Productivity will also receive a boost as the final elements of a 2017 decision by the Transport and Infrastructure Council are implemented in the bill. An amendment to the national law will improve the productivity of the road network and freight fleet by increasing the allowed volume on certain heavy vehicles where mass is not a constraint. The current 4.3-metre height limit for specified semitrailers will increase to 4.6 metres but only for semitrailer combinations that meet specified safety criteria. These specified combinations will be able to operate at 4.6 metres high without additional authorisation, such as a notice or individual permit, greatly reducing the regulatory burden on industry and road managers.

These proposed changes to better support productivity will complement the productivity-boosting and congestion-busting achievements of the Palaszczuk Labor government. We recently saw the opening of the \$1.6 billion Toowoomba bypass, which will supercharge productivity and economic activity on the Darling Downs and in Toowoomba and the Lockyer. As I outlined earlier, the heavy vehicles that are bypassing Toowoomba will miss 18 sets of lights, saving more than half an hour in time, and they will pay a maximum toll of \$22.85. As outlined earlier, we refused to implement the former LNP government's secret plan to gouge the heavy vehicle industry with a whole new class of toll—the super heavy class—which would have been Australia's highest ever toll on trucks to use the Toowoomba bypass, or indeed any road in Australia.

Our investments to support the heavy vehicle industry do not stop at Toowoomba. As mentioned before, we have committed to build the Rockhampton Ring Road, the Gympie bypass on the Bruce Highway, stage 2 of the Mackay Ring Road, stage 5 of the Townsville Ring Road, the southern access to Cairns and the much larger—almost half a billion dollars' worth—Bruce Highway upgrade from Gordonvale to Edmonton.

Just last week I was onsite looking at the piling works from Kate Street to Aumuller Street in Cairns, a \$104 million upgrade of the Bruce Highway where 88 piles are being knocked into that notorious chokepoint south of Cairns. These ring-roads and bypasses will help the heavy vehicle industry move freight faster, more efficiently, more safely and help create the jobs Queensland needs. These key investments will also help rid our regional towns and cities of ever-growing congestion as population grows.

In July I also announced completion of the widening and strengthening of 12 kilometres of the Diamantina Developmental Road between Boulia and Dajarra. This project will reduce travel times and vehicle maintenance costs for the freight industry by improving the road surface and limiting dust. The project also increases safety by allowing safer overtaking opportunities for the numerous passenger vehicles, caravans and cattle, freight and road trains that use that road. This project not only supports locals and visitors but also Queensland's \$5 billion cattle industry and the beef processing sector, which alone supports 18,000 jobs. These investments are part of our government's record \$23 billion being invested in roads and transport infrastructure over four years, sustaining over 21,500 jobs across Queensland, including over 13,000 jobs in regional Queensland.

This bill also implements several administrative amendments to aid the heavy vehicle industry. For example, amendments in the bill will improve consistency between vehicle defect notices and self-clearing defect notices. Currently, when an authorised officer identifies a vehicle defect they issue a defect notice for a minor or major safety risk or a self-clearing defect notice where use of a vehicle does not pose a safety risk. These notices must be in regulator approved form, but for the sake of

efficiency jurisdictions have combined elements of each of these different defect notices into one form. Inconsistencies between the requirements for a vehicle defect notice and a self-clearing defect notice—such as the time frame a driver must provide the notice to the operator—makes having the one form difficult and unnecessarily complex. The proposed amendments will remove these inconsistencies and make the approved form clearer and easier to use.

A source of frustration for operators in jurisdictions where the national law has not been applied is that vehicle modifications completed in those jurisdictions are not recognised under the national law. Under a proposed amendment in this bill, if those modifications comply with the regulator's Code of Practice for the Approval of Heavy Vehicle Modifications, then they will be considered as being approved under the national law. As a result, operators in Western Australia or the Northern Territory will no longer face the additional step and associated costs of having modifications re-examined and approved under the national law.

The bill also improves the management of access decisions. When the regulator issues an access or vehicle standards exemption permit with conditions attached or for a period less than the applicant sought, the national law requires that a statement of reasons is issued automatically. In nearly all cases permits are issued with at least one condition, but the reasons for that condition are usually obvious and well understood by the applicant. The proposed amendment will reduce this unnecessary administrative burden, as the regulator will instead be required to notify the applicant of their right to request a statement of reasons. If such a request is made, the regulator will be required to provide the statement of reasons within 28 days of receiving the request. A related amendment will limit the time an applicant has to request a statement of reasons to 28 days from the date of notice of the decision.

The amendments to improve harmonisation across borders are welcomed by industry. The removal of inconsistencies and streamlining of administrative processes will all contribute to efficiencies for the heavy vehicle sector which, as we know, is a vital part of the supply chain and the economy in regional Queensland.

Agricultural production is a major economic driver across Queensland, including the Townsville region. One of the most important commodities in the region—based on the gross value of agricultural production—is cattle and calves, second only to the production of sugar cane. I am pleased to advise that, following extensive consultation between the Palaszczuk Labor government and the livestock industry, the review of Queensland's Livestock Loading Scheme has been completed to the satisfaction of all involved. Key industry and government stakeholders strongly supported enhancement of the existing scheme, which has led to the regulator releasing a new notice for Queensland to reflect the enhanced scheme. The new notice came into effect on 10 February 2019. Under the new scheme a 26-tonne tri-axle mass limit for B-triple combinations and a 7.1-tonne steer axle mass limit for road train combinations will benefit local livestock transporters.

Another key initiative for the heavy vehicle industry is the opportunity for local contractors to tender later this year for a \$4.5 million project to build a truck staging area outside the Port of Townsville that will cater for up to 25 triple road trains. This facility will allow trucks to safely queue in the designated area just outside the entrance to the port, which will greatly improve safety and reduce congestion caused by trucks queueing on roads leading into the port. There is substantial work going on at the port due to our government's investment in that publically owned piece of the supply chain. The Port of Townsville is to be commended for developing this project, which will improve public amenity around the port precinct. This is another example of the Palaszczuk government investing in infrastructure to support long-term growth and jobs.

As I noted earlier, I intend to move amendments during consideration in detail. The main changes relate to consequential amendments arising from the enactment of the Commonwealth's Road Vehicles Standards Act 2018 and repeal of the Commonwealth's Motor Vehicle Standards Act 1989. These amendments will align commencement of national law amendments with Commonwealth implementation time frames that are yet to be confirmed along with additional consequential changes to Queensland statutes.

Minor amendments to the Motor Dealers and Chattel Auctioneers Act 2014 will make definitions of 'restorable vehicle' and 'used imported vehicle' clearer. Amendments will also clarify the status of national regulations made under the Rail Safety National Law as they operate in Queensland. I commend the bill to the House.